

04-05-01

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Please type a plus sign (+) inside this box [+]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
 (Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5079P006  
(maximum 12 characters)First Named Inventor Ran OzTitle: METHOD AND SYSTEM FOR GENERATING, TRANSMITTING AND UTILIZING BIT RATE CONVERSION INFORMATIONExpress Mail Label No. EL627471945USADDRESS TO: **Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.  **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  **Specification (Total Pages 55)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
 or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  **Drawings(s) (35 USC 113) (Total Sheets 10)**
5.  **Oath or Declaration (Total Pages 5)**
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  **DELETIONS OF INVENTOR(S)** Signed statement attached deleting  
 inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)  
 and 1.33(b).
  - c.  Unsigned.
6.  **Application Data Sheet. (37 CFR 1.76)**
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on.
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

 J1042 U.S. PTO  
 09/825628  
 04/03/01  


## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & documents(s))  
10.  a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
 b. Power of Attorney  
11.  English Translation Document (if applicable)  
12.  a. Information Disclosure Statement (IDS)/PTO-1449  
 b. Copies of IDS Citations  
13.  Preliminary Amendment  
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)  
16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). **Applicant must attach form PTO/SB/35 or its equivalent.**  
17.  Other: Copy of postcard with express mail stamp

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation       Divisional       Continuation-in-part (CIP)  
Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
(which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_,  
which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is  
the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
(or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label \_\_\_\_\_  
or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)  
 Correspondence Address Below

NAME Tarek N. Fahmi

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Tarek N. Fahmi Registration No.: 41,402

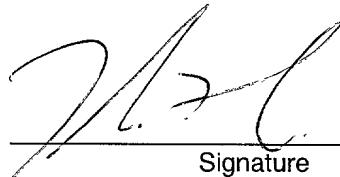
Signature: Tarek N. Fahmi Date: 4/2/01

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**First Named Inventor Ran OzTitle METHOD AND SYSTEM FOR GENERATING, TRANSMITTING AND UTILIZING BIT RATE CONVERSION INFORMATIONAttorney Docket No. 5079P006

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

4/3/01

Date



Signature

Tarek N. Fahmi

Typed or Printed Name

41,402

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

**FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$) 1904.00

## Complete if Known:

Application No. Not Yet Assigned  
 Filing Date Herewith  
 First Named Inventor Ran Oz  
 Group Art Unit Not Yet Assigned  
 Examiner Name Not Yet Assigned  
 Attorney Docket No. 5079P006

**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
 Deposit Account Name \_\_\_\_\_

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
   \_\_\_\_\_  
   Credit Card  
   \_\_\_\_\_  
   Money Order  
   \_\_\_\_\_  
   Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | Small Entity |      |       |                                    |               |
|--------------|--------------|------|-------|------------------------------------|---------------|
| Fee          | Fee          | Fee  | Fee   | Fee Description                    | Fee Paid      |
| Code         | (\\$)        | Code | (\\$) |                                    |               |
| 101          | 710          | 201  | 355   | Utility application filing fee     | <u>710.00</u> |
| 106          | 320          | 206  | 160   | Design application filing fee      | _____         |
| 107          | 490          | 207  | 245   | Plant filing fee                   | _____         |
| 108          | 710          | 208  | 355   | Reissue filing fee                 | _____         |
| 114          | 150          | 214  | 75    | Provisional application filing fee | _____         |

SUBTOTAL (1) \$ 710.00**2. EXTRA CLAIM FEES**

|                    | Extra Claims | Fee from below     | Fee Paid                |
|--------------------|--------------|--------------------|-------------------------|
| Total Claims       | <u>73</u>    | <u>- 20** = 53</u> | <u>X 18.00 = 954.00</u> |
| Independent Claims | <u>6</u>     | <u>- 3** = 3</u>   | <u>X 80.00 = 240.00</u> |
| Multiple Dependent |              |                    | <u>=</u>                |

\*\*Or number previously paid, if greater; For Reissues, see below.

**Large Entity Small Entity**

| Fee  | Fee   | Fee  | Fee   | Fee Description   |
|------|-------|------|-------|---|
| Code | (\\$) | Code | (\\$) |   |
| 103  | 18    | 203  | 9     | Claims in excess of 20                                    |
| 102  | 80    | 202  | 40    | Independent claims in excess of 3                         |
| 104  | 270   | 204  | 135   | Multiple dependent claim, if not paid                     |
| 109  | 80    | 209  | 40    | **Reissue independent claims over original patent         |
| 110  | 18    | 210  | 9     | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 1194.00

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04/03/01

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u>  |
|---------------------|---------------------|------------------------|--|
| Fee Code            | Fee (\$)            | Fee Code (\$)          |  |
| 105                 | 130                 | 205                    | Surcharge - late filing fee or oath  |
| 127                 | 50                  | 227                    | Surcharge - late provisional filing fee or cover sheet                     |
| 139                 | 130                 | 139                    | Non-English specification  |
| 147                 | 2,520               | 147                    | For filing a request for ex parte reexamination                            |
| 112                 | 920*                | 112                    | Requesting publication of SIR prior to Examiner action                     |
| 113                 | 1,840*              | 113                    | Requesting publication of SIR after Examiner action                        |
| 115                 | 110                 | 215                    | Extension for reply within first month                                     |
| 116                 | 390                 | 216                    | Extension for reply within second month                                    |
| 117                 | 890                 | 217                    | Extension for reply within third month                                     |
| 118                 | 1,390               | 218                    | Extension for reply within fourth month                                    |
| 128                 | 1,890               | 228                    | Extension for reply within fifth month                                     |
| 119                 | 310                 | 219                    | Notice of Appeal   |
| 120                 | 310                 | 220                    | Filing a brief in support of an appeal                                     |
| 121                 | 270                 | 221                    | Request for oral hearing   |
| 138                 | 1,510               | 138                    | Petition to institute a public use proceeding                              |
| 140                 | 110                 | 240                    | Petition to revive – unavoidable   |
| 141                 | 1,240               | 241                    | Petition to revive - unintentional   |
| 142                 | 1,240               | 242                    | Utility issue fee (or reissue)   |
| 143                 | 440                 | 243                    | Design issue fee   |
| 144                 | 600                 | 244                    | Plant issue fee  |
| 122                 | 130                 | 122                    | Petitions to the Commissioner  |
| 123                 | 50                  | 123                    | Processing fee under 37 CFR 1.17(q)  |
| 126                 | 180                 | 126                    | Submission of Information Disclosure Stmt                                  |
| 581                 | 40                  | 581                    | Recording each patent assignment per property (times number of properties) |
| 146                 | 710                 | 246                    | For filing a submission after final rejection (see 37 CFR 1.129(a))        |
| 149                 | 710                 | 249                    | For each additional invention to be examined (see 37 CFR 1.129(b))         |
| 179                 | 710                 | 279                    | Request for Continued Examination (RCE)                                    |
| 169                 | 900                 | 169                    | Request for expedited examination of a design application                  |
| 195                 | 300                 | 195                    | Publication fee for early, voluntary, or normal publication                |
| 196                 | 300                 | 196                    | Publication fee for republication  |
| 194                 | 130                 | 194                    | Request for voluntary publication or republication                         |
| 098                 | 130                 | 098                    | Processing fee under 37 CFR 1.17(i)  |
| 091                 | 1,240               | 091                    | Acceptance of unintentionally delayed claim for priority                   |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) \$ \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

#### SUBMITTED BY:

Typed or Printed Name: Tarek N. Fahmi

Signature:

Date: 4/3/01

Reg. Number: 41,402 Telephone Number: 408-720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **EXPRESS MAIL CERTIFICATE OF MAILING**

"Express Mail" mailing label number: EL627471945US

Date of Deposit: April 3, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Lucia Sanchez

(Typed or printed name of person mailing paper or fee)

Lucia Sanchez  
(Signature of person mailing paper or fee)

4/3/2001  
(Date signed)

Serial/Patent No.: New Application  
Client: BIGBAND NETWORKS, INC.

Title: METHOD AND SYSTEM FOR GENERATING, TRANSMITTING AND UTILIZING BIT RATE CONVERSION INFORMATION  
BSTZ File No.: 5079P006

Date Mailed: April 3, 2001

The following has been received in the U.S. Patent

- Amendment/Response (\_\_\_\_ pgs.)
- Appeal Brief (\_\_\_\_ pgs.) (in triplicate)
- Application - Utility (55 pgs., with cover and abstract)
- Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)
- Application - Rule 1.53(b) Divisional (\_\_\_\_ pgs.)
- Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)
- Application - Rule 1.53(d) CPA Transmittal (\_\_\_\_ pgs.)
- Application - Design (\_\_\_\_ pgs.)
- Application - PCT (\_\_\_\_ pgs.)
- Application - Provisional (\_\_\_\_ pgs.)
- Assignment and Cover Sheet
- Certificate of Mailing
- Declaration & POA (5 pgs.) **Unexecuted**
- Disclosure Docs & Org & Copy of Inventor's Signed Letter (\_\_\_\_ pgs.)
- Drawings: 10 # of sheets includes 10 figures

Other: 13 Cited References on PTO-1449, Copy of postcard with express mail stamp, Request and Certification Under 35 U.S.C 122(b)(2)(B)(i)

- & Trademark Office on the date stamped hereon:
- Express Mail No.: **EL627471945US**  Check No. **41957**
  - \_\_\_\_\_ Month(s) Extension of Time  Amt: **1904.00**
  - Information Disclosure Statement & PTO-1449 (4 pgs.)  Check No. \_\_\_\_\_  
 Amt: \_\_\_\_\_
  - Issue Fee Transmittal
  - Notice of Appeal
  - Petition for Extension of Time
  - Petition for \_\_\_\_\_
  - Postcard
  - Power of Attorney (\_\_\_\_ pgs.)
  - Preliminary Amendment (\_\_\_\_ pgs.)
  - Reply Brief (\_\_\_\_ pgs.)
  - Response to Notice of Missing Parts
  - Small Entity Declaration for Indep. Inventor/Small Business
  - Transmittal Letter, in duplicate **2 Pages**
  - Fee Transmittal, in duplicate **2 Pages**